

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
PENNSYLVANIA

OMAR COPELAND

Plaintiff

V.

CITY OF PHILADELPHIA, et al
Defendants

FILED

MAR 20 2017

KATE BARKMAN, Clerk
By _____ Dep. Clerk

Civil Action
No.15-5012

Plaintiff motion to compel discovery pursuant to Fed.R.Civ.P 37 (A) (2) and 34(B),
For an order compelling the defendant to answer interrogatories and document
request. And represents as follows:

1. I am the plaintiff in this case. I make this affidavit in support of my motion to compel an answer to my fourth set of interrogatories and production of documents.
2. On February 1st, 2017 plaintiff served on the defendants counsel, interrogatories and document request. See exhibit A.
3. Defendants did not respond to this request within thirty days, on March 6th, 2017 plaintiff wrote to the defendants pointing out that the defendants have failed to respond to the discovery request within the time frame provided in Fed.R.Civ.P 34 (B) (2) (A). See exhibit B
4. The plaintiff offered the defendants and additional three days from the time they received the letter to answer the discovery request. And with they have failed to do.
5. The defendants are now over the extension date and still no responds.

6. The defendants have been previously sanctioned for the same misconduct and they continue to ignore the plaintiff discovery request with malice and bad faith.

7. Your honor Wendy Beetlestone, extended discovery until April do to this conduct before, the defendants withholding discovery until the last minute, is effectively hindering the plaintiff from building his claims in a timely manner.

8. On February 22, 2017 the plaintiff failed a supplemental motion for discovery. See exhibit C. plaintiff does not compel answer to supplemental discovery at this time. Defendants are still within the thirty days provided in rule 34.

9. Pursuant to Fed.R.Civ.P 37 (A) (2) (A) and local rule 26.1 (F), plaintiff Omar Copeland certify that he has made a good faith effort to secure the disputed discovery material without resort to court interference and this motion to compel.

10. Without the requested documents, plaintiff will not be able to establish his claims or proceed with discovery, including dispositions.

WHEREFORE, plaintiff request that this court enter an order compelling an answer to plaintiff fourth set of interrogatories and document request.

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CERTIFICATE OF SERVICE

I OMAR COPELAND, plaintiffs certify that a true and correct copy of the plaintiff motion to compel discovery has been forwarded to the defendants at the following address:

SHANNON ZABEL

1515 ARCH STREET, 14TH FLOOR

PHILADELPHIA, PA 19102

OMAR COPELAND LK-6830

1100 PIKE STREET

HUNTINGDON, PA 16654

DATE: 3-15-17

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Plaintiff,

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Defendants,

:

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ORDER

And now this _____ day of _____, 2017, upon consideration of plaintiff motion to compel discovery against the defendants City Of Philadelphia et al, IT IS ORDERED that:

1. Defendant city of Philadelphia, et al shall respond to the plaintiff fourth set of interrogatories and document request, numbers 1 through 14.
2. If the City Of Philadelphia does not comply with this ORDER in full within twenty (20) days defendant shall, upon motion of plaintiff, be subjected to appropriate sanctions pursuant to rule 37 Fed.R.Civ.P.

BY THE COURTS
